

helpful suggestions in an effort to distinguish the claims of the present application from the applied prior art.

In particular, amending the claims as follows would better distinguish applicants' invention over the applied prior art:

- 1) positively reciting the sports related picture and object;
- 2) reciting the picture relates to the object;
- 3) reciting the first transparent portion buttressing the picture and the second transparent portion conforming to or being just sized to fit the shape of the object; and
- 4) reciting the picture being behind the object and the cover.

By this amendment, independent claims 1, 17, and 32 have been amended to incorporate the above distinctions to distinguish over the applied prior art. Support for the amended claims can be found throughout the specification, drawings, and claims, and therefore, no new matter has been added.

In accordance with 37 C.F.R. 1.121, a version with markings showing changes made to the application is provided on one or more pages separate from the amendment. These pages are appended at the end of this amendment and captioned "Version with Markings to Show Changes Made."

### 35 U.S.C. §102(b) Rejection

In the final Office Action, claims 1, 5-11, 17, and 21-24 were rejected under 35 U.S.C. 102(b) as being unpatentable over Feher (U.S. Patent No. 861,822). Applicants respectfully, but most strenuously traverse this rejection for the following reasons.

With reference to Feher, Feher discloses an embossed picture showing a scene of a historical or biblical nature. The embossed picture includes a frame for supporting an embossed piece of celluloid which can be suitably colored, painted or printed to

produce a life-like effect of a person in the picture. The embossed picture also includes an outer celluloid sheet.

As noted above, by this amendment, independent claims 1 and 17 have been amended to more particularly recite applicants' invention. For example, claims 1 and 17 now recite a sports commemorator comprising "an object and a picture" and in which "both of said object and said picture being related to a sport and said object relating to said picture." In addition, the cover is "formed with first and second transparent portions, said first transparent portion serving to buttress said layer in said open interior, said second transparent portion conforming to the shape of said object in said open interior" and wherein the picture is "behind said object and said cover."

When asserting a Section 102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

First, Feher discloses an embossed picture illustrating an historical or biblical scene and not an object on a picture. Second, Feher does not disclose an object and a picture both of which are related to a sport and in which the object relates to the picture. Third, Feher does not disclose a cover having a first transparent portion which buttresses the picture in the open portion of the frame and a second transparent portion which conforms to the shape of the object in the open portion of the frame. Fourth, Feher does not disclose a picture being behind the object and the cover.

Since, Feher does not disclose several of the applicants' claimed elements for a sports commemorator and fails to configure and assemble them in the same way as the applicants' claimed sports commemorator, Feher would not anticipate amended independent claims 1 or 17. For all the above reasons, applicants respectfully submit that amended independent claims 1 and 17 (and also claim 32) and the claims depending therefrom patentably distinguish over Feher.

35 U.S.C. §103 Rejection

In the final Office Action, claims 11-13, 25-28, 32 and 36 were rejected under U.S.C. §103(a) as being as being unpatentable over Feher in view of Rand (U.S. Patent No. 405,678. Applicants respectfully, but most strenuously traverse this rejection for the following reasons.

As noted above, Feher discloses an embossed picture showing a scene of a historical or biblical nature. The embossed picture includes a frame for supporting an embossed piece of celluloid which can be suitably colored, painted or printed to produce a life-like effect of a person in the picture. The embossed picture also includes an outer celluloid sheet. With reference to Rand, Rand discloses a cabinet for preserving and displaying game such as a bird. The cabinet includes a cover made of glass with a projection or bulge which extends over and is spaced-apart from the stuffed game. In addition, the cover also extends over and is spaced-apart from the picture.

More importantly, neither Feher nor Rand, either alone or in combination, discloses, teaches or suggests, a sports commemorator having a cover having a first portion which conforms to or is sized to just fit to the shape of an object and a second portion which buttresses the picture in the open portion of the frame. In addition, neither Feher nor Rand, either alone or in combination, discloses, teaches or suggests, a sports commemorator having a picture, an object, and such a cover.

Specifically, neither Feher nor Rand, either alone or in combination, discloses, teaches or suggests, "selecting a cover having a transparent expanse with a transparent chamber conforming to the shape of the object", "superimposing the transparent chamber over the object in the open interior", and "superimposing the transparent expanse over and buttressing the picture on a layer in the open interior" as recited in amended independent claim 32. In addition, neither Feher nor Rand, either

alone or in combination, discloses, teaches or suggests a sports commemorator having a cover "formed with first and second transparent portions, said first transparent portion serving to buttress said layer in said open interior, said second transparent portion conforming to the shape of said object in said open interior" as recited in amended independent claims 1 and 17.

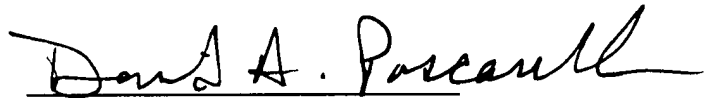
It is respectfully submitted that the amended independent claims and the claims depending therefrom would not have been rendered obvious in view of Feher and either alone or in combination.

### CONCLUSION

Applicants submit that all the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. The application is believed to be in condition for allowance and such action is respectfully requested.

However, if the Examiner believes there are any remaining issues, applicants' undersigned representative requests a telephone hearing to discuss the case.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Claims:**

Claims 10-12, 25-27, and 36 have been canceled without prejudice, and claims 1, 13, 17, 28, and 32 have been amended as follows.

1. (Amended) A sports commemorator comprising:

an object and a picture on a layer, both of said object and said picture being related to a sport and said object relating to said picture;

a cover;

a support formed with forward and rearward portions;

said forward portion having an open interior for displaying [a] said picture on [a] said layer and [an] said object superimposed with said cover [, said picture and said object being related to a sport];

said cover formed with first and second transparent portions, said first transparent portion serving to buttress said layer in said open interior, said second transparent portion [serving to receive] <sup>confirming</sup> confirming to the shape of said object in said open interior;

a forward interface between said forward portion and a peripheral portion of said cover; and

a rearward interface between said layer and said rearward portion, wherein said forward and rearward interfaces serve to secure said cover and said layer for displaying said picture [and] behind said object and said cover in said open interior.



13. (Amended) The commemorator of claim 1 [in combination with said layer with said picture,] wherein said picture comprises a photograph.

17. (Amended) A sports commemorator comprising:

an object and a picture on a layer, both of said object and said picture being related to a sport and said object relating to said picture;

a transparent member;

a support formed with forward and rearward portions;

said forward portion having an open interior for displaying [a] said picture on [a] said layer and [an] said object superimposed with said transparent member [, said picture and said object being related to a sport];

said transparent member formed with an expanse including a hollow protuberance, a section of said expanse serving to buttress said layer in said open interior, said hollow protuberance [serving to receive] conforming to the shape of said object in said open interior;

a forward interface between said forward portion and a peripheral portion of said transparent member; and

a rearward interface between said layer and said rearward portion, wherein said forward and rearward interfaces serve to secure said transparent member and said layer for displaying said picture [and] behind said object and said cover in said open interior.

28. (Amended) The commemorator of claim 17 [in combination with said layer with said picture,] wherein said picture comprises a photograph.

32. (Amended) A method for displaying a sports related object and picture, the method comprising:

selecting an object and a picture on a layer, both of the object and the picture being related to a sport and the object relating to the picture;

selecting a support having an open interior;

selecting a cover having a transparent expanse with a transparent chamber confirming to the shape of the object in the open interior;

superimposing the transparent chamber over the object in the open interior;

superimposing the transparent expanse over and buttressing the picture on a layer in the open interior; and

securing the object and the layer in the open interior, whereby the object and the picture are displayed with the picture behind the object and the cover in the open interior.